



CERTIFICATE OF SERVICE

I, Michael E. Mauney, do hereby certify that a copy of the foregoing Response to Restriction Requirement in:

In Re Application: He et al.

Filing Date: 11/15/03

Serial No: 10/714,471

Invention: DEVICE AND METHODS FOR RAPID DRYING OF POROUS MATERIALS

has this day been duly served upon:

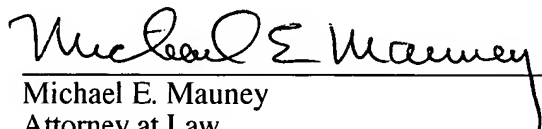
Commissioner of Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Said service was made in the following manner:

( ) By handing such copy to the aforementioned attorney, or by leaving said copy at the above mentioned attorney's office with a partner or employee of his office.

( x ) By depositing a copy of the aforementioned document(s) enclosed in a prepaid first class addressed envelope in the U. S. Mail.

This the 11 day of Oct, 2004.



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DFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application: He et al.

Filing Date: 11/15/03

Examiner: Jiping Lu

Serial No: 10/714,471

Art Unit: 3749

Invention: DEVICE AND METHODS FOR RAPID DRYING OF POROUS MATERIALS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

This is written in response to an office communication mailed on October 6, 2004.

Applicant provisionally elects Claims 1-10, Claims 21-22, and Claims 23-34 for prosecution with a traversal as set forth below. As the Applicant best understands the restriction requirement, the embodiment elected is shown in Figure 2.

The Examiner stated: "The application contains Claims directed to the following patentably distinct species of claimed inventions. Figures 1, 2, and 5 respectively." Applicant concedes that Figures 1 and 5 are directed toward an apparatus with a line bypassing a cold trap, whereas Figure 2 is directed toward an apparatus with no line bypassing a cold trap. It is not believed that there are three patentably distinct species of the claimed invention. At most, there might be two patentably distinct inventions. Does the Examiner think there are two or three distinct inventions and why? Clarification is respectfully requested.

Moreover, the criteria for restriction between patentably distinct inventions requires that the inventions (1) must be independent or distinct as claimed and (2) there must be a burden on the Examiner if restriction is required. There is no indication as to what inventions are patentably

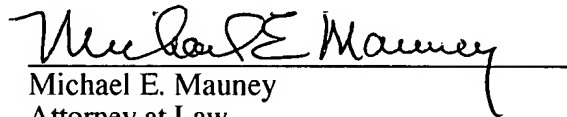
distinct and why in the Examiner's Office Action nor is there any indication as to why there is a serious burden on the Examiner in proceeding with this application without a restriction application.

### Conclusion

The Applicant previously elected a species consistent with the Examiner's Restriction Requirement as this Restriction Requirement was understood. Despite a request from the Applicant for clarification regarding the basis for the Restriction Requirement and clarification from the Examiner why the Examiner thought there were three species, Applicant has not received such clarification. Applicant received a request from the Examiner to designate a figure identified with the claims and species selected by the Applicant. Applicant has responded by selecting Figure 2 and renewing the request to the Examiner to clarify why the Examiner thinks there are three species and why proceeding to examine this application in its totality without a Restriction Requirement poses a burden on the Examiner.

If there is anything unclear or anything further is required from the Applicant, please advise me immediately. Thank you very much for your help and cooperation.

This the 11 day of Oct., 2004.

  
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